

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 23-20074-CIV-ALTONAGA/Damian

RUBEN NUNEZ, *et al.*,

Plaintiffs,

v.

LEXINGTON INSURANCE COMPANY,

Defendant.

ORDER

THIS CAUSE came before the Court on Magistrate Judge Melissa Damian’s Report and Recommendation [ECF No. 40], entered on July 25, 2023. In the Report, Judge Damian recommends that Plaintiffs, Ruben and Maricela Nunez’s Renewed Motion to Compel Appraisal [ECF No. 32], be denied.¹

When a magistrate judge’s “disposition” has been objected to, district courts must review the disposition *de novo*. Fed. R. Civ. P. 72(b)(3). When no party has timely objected, however, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72 Advisory Committee’s Note to 1983 Addition (citations omitted). Although Rule 72 itself is silent on the standard of review, the Supreme Court has acknowledged Congress’s intent was to only require a *de novo* review where objections have been properly filed, not when neither party objects. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate[] [judge]’s factual or legal conclusions, under a *de novo* or any other standard, when

¹ On June 16, 2022, the Court entered an Order [ECF No. 35] referring the Motion to Magistrate Judge Damian for a report and recommendation.


neither party objects to those findings.” (alterations added)).

The Report advised the parties that they had 14 days to file written objections. (*See* Report 10).² To date, no objections have been filed, nor have the parties requested additional time to object. The Court therefore reviews the Report for clear error.

The Undersigned has reviewed the Report, the record, and the applicable law to assure herself that no clear error appears on the face of the record. In the light of that review, the Undersigned agrees with Magistrate Judge Damian’s analysis and recommendations. Accordingly, it is

ORDERED AND ADJUDGED that the Report [ECF No. 40] is **ACCEPTED AND ADOPTED**. Plaintiffs’ Renewed Motion to Compel Appraisal [ECF No. 32] is **DENIED**.

DONE AND ORDERED in Miami, Florida, this 9th day of August, 2023.



CECILIA M. ALTONAGA
CHIEF UNITED STATES DISTRICT JUDGE

cc: counsel of record

² The Court relies on the pagination generated by the CM/ECF system, which appears in the header on all filings.